

1. Fact Discovery Cut Off. All discovery in C.A. No. 17-cv-01846-LPS-JLH shall be completed by June 15, 2021. All discovery in C.A. No. 20-cv-01652-LPS is complete.
2. Case Dispositive and *Daubert* Motions.
  - a. Timing. All case dispositive and *Daubert* motions, including opening briefs and affidavits, if any, in support of the motion shall be served and filed on or

before July 15, 2021. Answering briefs shall be served and filed on August 12, 2021. Reply briefs shall be served and filed on August 26, 2021. No case dispositive motion under Rule 56 may be filed more than ten (10) days before the above date without leave of the Court.

- b. Format. Each Plaintiff shall be permitted to file a single opening brief for case dispositive motions, addressing any number of issues, of up to twenty (20) pages. Defendants shall be permitted to file one brief of up to twenty (20) pages in opposition to each Plaintiff's brief. Each Plaintiff shall be permitted to file one reply brief of up to ten (10) pages.

Defendants shall be permitted to file a single, joint opening brief for case dispositive motions, addressing any number of issues, of up to thirty (30) pages. Each Plaintiff shall be permitted to file one brief of up to twenty (20) pages in opposition to Defendants' combined brief. Defendants shall be permitted to file two reply briefs of up to ten (10) pages each, one regarding each Plaintiff.

Each side in C.A. No. 20-cv-01652-LPS shall be permitted to file one opening *Daubert* brief of up to twenty (20) pages, addressing any number of issues; one opposition *Daubert* brief of up to twenty (20) pages, addressing any issues raised in the opening brief; and one reply *Daubert* brief of up to ten (10) pages, addressing any issues discussed in the opposition brief.

The parties in C.A. No. 17-cv-01846-LPS-JLH have agreed not to present expert testimony at trial and therefore no *Daubert* motions are necessary or permitted in that case.

3. Hearing on Case Dispositive and *Daubert* Motions. The Court shall hear argument on any case dispositive and *Daubert* motions on September 28, 2021, at 1:00 p.m. Each side in each case shall be permitted 45 minutes for argument on case dispositive motions and each side in C.A. No. 20-cv-01652-LPS shall be permitted 30 minutes for argument on *Daubert* motions.

4. Pretrial Conference. On December 21, 2021, the Court will hold a pretrial conference in Court with counsel for all parties beginning at 3:00 p.m. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order in each case satisfied the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). In each case, the parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies the Court's default Scheduling Order on or before December 13, 2021. Unless otherwise ordered by the Court, the parties shall comply with the timeframes set forth in Local Rule 16.3(d)(1)-(3) for the preparation of the joint proposed final pretrial order. The Court will advise the parties at or before the above-scheduled pretrial conference whether an additional pretrial conference will be necessary.

5. Motions *in Limine*. Motions *in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each side in each case shall be limited to three (3) *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of three (3) pages of argument and may be opposed by a maximum of three (3) pages of argument, and the party making the *in limine* request may add a maximum of one (1) additional page in reply in support of its request. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a

single three (3) page submission (and, if the moving party, a single one (1) page reply), unless otherwise ordered by the Court. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

6. Jury Instructions, Voir Dire, and Special Verdict Forms. Where a case is to be tried to a jury, pursuant to Local Rules 47 and 51 the parties should file (i) proposed voir dire, (ii) preliminary jury instructions, (iii) final jury instructions, and (iv) special verdict forms three (3) full business days before the final pretrial conference. This submission shall be accompanied by a computer diskette containing each of the foregoing four (4) documents in WordPerfect format.

7. Trial. Time for a five-day jury trial is reserved beginning at 9:30 a.m. on January 10, 2022, with the subsequent trial days beginning at 9:00 a.m. The parties in C.A. No. 20-cv-01652-LPS shall proceed to trial first. By November 12, 2021, the parties will jointly advise the Court the expected length of that trial, and their proposals as to when the other above-captioned case should proceed to trial. Until either case is submitted to the jury for deliberations, the jury will be excused each day at 4:30 p.m. Each respective trial will be timed, as counsel will be allocated a total number of hours in which to present their respective cases.

Dated: April 21, 2021.

s/ Adam W. Poff

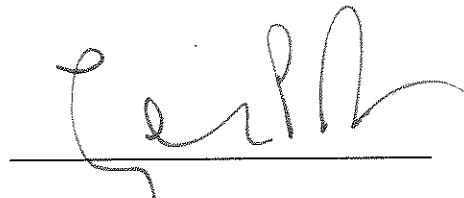
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A handwritten signature in black ink, appearing to be "Carl H.", written over a horizontal line.

United States District Judge